

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

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ADELMAN TRUCK PARTS)

CORPORATION,)

Plaintiff,)

vs.) CASE NO. 5:17-CV-2598

JONES TRANSPORT AND)

DON JONES)

Defendants.)

- - -

Videotaped deposition of CHRISTOPHER IVES,
a Witness herein, called by the Defendants for
Examination pursuant to the Federal Rules of Civil
Procedure, taken before me, the undersigned, Carina
C. Meszaros, a Registered Merit Reporter and Notary
Public in and for the State of Ohio, at the offices
of Court Reporters, Inc., 221 Springside Drive,
Akron, Ohio, on Wednesday, the 3rd day of October,
2018, commencing at 10:02 a.m.

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I N D E X

EXAMINATION (BY MR. MILLER) 4

DEFENDANT'S

Exhibit A 5

- - -

1 THE VIDEOGRAPHER: We're on the record.
2 Today's date is October 3, 2018. The time is
3 approximately 10:02 a.m. We are here to take the
4 videotape deposition of Chris Ives at Akron Court
5 Reporters in Akron, Ohio, in the case of Adelman
6 Truck Parts Corp versus Jones Transport. It's Case
7 Number 5:17-CV-2598 to be heard in the United States
8 District Court of Ohio.

9 If counsel could please state their name
10 for the record.

11 MR. MILLER: Jonathan Miller, I
12 represent Defendant Don Jones.

13 MR. RAMBACHER: John Rambacher, I
14 represent the Plaintiff, Adelman's Truck Parts
15 Corporation.

16 THE VIDEOGRAPHER: Please swear in the
17 witness.

18 CHRISTOPHER IVES,
19 of lawful age, a Witness herein, having been
20 first duly sworn, as hereinafter certified, deposed
21 and said as follows:

22 EXAMINATION

23 BY MR. MILLER:

24 Q. All right. Good morning, Mr. Ives.

25 A. Good morning.

1 **Q.** First thing I'm going to do is show you a
2 document that's going to be marked Defendant A.

3 (Thereupon, Defendant's Exhibit A
4 of the C. Ives Deposition was
5 marked for purposes of identification.)

6 **BY MR. MILLER:**

7 **Q.** Have you seen this document before?

8 **A.** No.

9 **Q.** Okay. Do you -- do you know what this document
10 is?

11 **A.** No.

12 **Q.** So, first of all, do you under -- do you
13 understand what a deposition is? Did you go over
14 that with either Mr. Rambacher or Mr. Kahlenberg?

15 **A.** Did we go over it?

16 **Q.** Just what a deposition is.

17 **A.** Shortly.

18 **Q.** So you understand that you're under oath,
19 it's -- it's a corporate proceeding even though
20 there's not a -- there's not a judge here?

21 **A.** Yes.

22 **Q.** Mr. Ives, have you taken any medication or any
23 drugs that would impair your memory or prevent you
24 from -- from testifying --

25 **A.** No.

1 **Q.** -- today?

2 Is there any other reason that you know of that
3 you -- that you wouldn't be able to -- to testify
4 today accurately and truthfully?

5 **A.** What do you mean?

6 **Q.** Just I -- I don't have anything specific in
7 mind. Is -- is there any -- you know, something
8 like illness or, you know, you're not feeling
9 well --

10 **A.** Oh, no.

11 **Q.** -- something --

12 **A.** I'm fine.

13 **Q.** Just -- just generally, I don't have anything
14 specific in mind.

15 **A.** Okay.

16 **Q.** So I just want to go over a couple of
17 preliminary things, one of which I was -- I was
18 just guilty of myself, and that is we need to try
19 not to -- not to talk over each other, which I just
20 did a couple -- a couple of seconds ago. But it
21 will be much easier for the court reporter to take
22 down everything if we don't do that.

23 It's also important that when I -- when I ask a
24 question you give a -- a verbal reply, yes or no.
25 Things like "mm-hmm" are -- are harder for the --

1 for the court reporter to pick up, and, you know,
2 the court reporter also can't pick up, you know,
3 nodding or -- or shaking the head, so -- it's --
4 it's natural to do those kinds of things, so it's
5 understandable if -- if it happens, but we'll --
6 we'll try our best.

7 So if at any point you don't understand the
8 question that I'm asking, feel free to ask me to --
9 to rephrase the question and I'll -- I'll try -- try
10 again. It's -- it's important that you actually
11 understand what I'm -- what I'm asking for --

12 **A.** Okay.

13 **Q.** -- before you answer.

14 And let's see. I think the last thing we have
15 to go over is that if you need to -- if you need to
16 take a break at all, just say so. This isn't a -- a
17 forced march. So, you know, at any point -- you
18 don't have to, like, you know, keep on slogging
19 through until lunch, like, if you need to use the
20 restroom or anything like that. Okay.

21 So the one thing that I ask is that if I ask a
22 question, just to -- to answer the question that
23 I've asked and then we can take a break after that.
24 So, in other words, we'll try not to take a break,
25 you know, while -- while a question is -- is out

1 there hanging.

2 And, let's see, I guess there is one other
3 thing. If your -- so Mr. Rambacher might have
4 objections to -- to some of my questions. So,
5 generally speaking, for the most part, if -- if he
6 objects, you should go ahead and answer the question
7 unless -- unless he instructs -- instructs you not
8 to.

9 **A.** Okay.

10 **Q.** Okay. Sound okay?

11 Have you ever -- have you ever been in a
12 deposition before?

13 **A.** No.

14 **Q.** Have you ever testified in a -- a court case?

15 **A.** No.

16 **Q.** What is -- what's your age?

17 **A.** Thirty-seven.

18 **Q.** And where do you work?

19 **A.** Adelman's.

20 **Q.** What's your job -- job title?

21 **A.** I'll say engine specialist.

22 **Q.** And -- and what are your -- your duties?

23 **A.** I -- I run and test and check the engines that
24 come to me to make sure they're qualified to be put
25 in stock to be resold.

1 **Q.** And how long have you worked for Adelman's
2 Truck Parts?

3 **A.** More than four years.

4 **Q.** Have you had the same -- the -- the -- the same
5 job the entire time that you've -- that you've
6 worked there?

7 **A.** Yes.

8 **Q.** Where did you work before you started working
9 for Adelman's?

10 **A.** Akron Medina Trucks & Parts.

11 **Q.** Could you repeat that? I'm sorry.

12 **A.** Akron Medina Trucks & Parts.

13 **Q.** Could you -- could you spell that first --

14 **A.** A-k-r-o-n.

15 **Q.** Okay.

16 **A.** M-e-d-i-n-a.

17 **Q.** Okay. Thanks.

18 And what was the -- what was the time range
19 that you -- that you worked there?

20 **A.** I was there, roughly, like, 13 years.

21 **Q.** Did you -- did you have any jobs before you
22 worked there?

23 **A.** Before Akron Medina? McDonald's.

24 **Q.** About what years did you -- did you work there?

25 **A.** At McDonald's? I'd say '98 to 2000.

1 Q. And what were -- what was your job at Akron
2 Medina?

3 A. I had very -- various positions there.

4 Q. Mm-hmm.

5 A. But for the majority of the time, pretty much
6 the engine specialist there.

7 Q. Is -- is Akron Medina -- what -- what -- what
8 exactly is their business, what -- what -- what line
9 of business are they in?

10 A. Pretty much like Adelman's.

11 Q. So would they buy vehicles or -- or vehicle
12 parts and -- and then resell them?

13 A. Yes.

14 Q. When you -- when you say that you had
15 various -- various duties, do you mean that your --
16 your -- your job changed, like, you started out in
17 one position?

18 A. I -- I pretty much -- yeah, could be tires,
19 transmissions, rear ends. It just -- it changed.

20 Q. Okay. You said -- you said you've worked for
21 Adelman's for -- for about four years --

22 A. Yes.

23 Q. -- is that right?

24 So I'm hoping you can tell me some just basic
25 things. About -- about how many employees are

1 there, how many -- how many colleagues do -- do you
2 have?

3 **A.** I honestly don't know.

4 **Q.** Is it -- is -- is -- is there a range, like, is
5 it over 10, over 20?

6 **A.** I'd say 20 or more.

7 **Q.** And I've never -- I've never been there before.
8 So could you -- could you kind of describe just how
9 the -- how -- how the place is -- is laid out? I
10 mean, I'm -- I'm guessing there's -- there's --
11 there -- there's an office of -- of some sort there?

12 **A.** Yes.

13 **Q.** And are -- is there more than one building
14 or -- or -- or just one building at the location?

15 **A.** No, there's more than one building.

16 **Q.** How many buildings are there?

17 **A.** I don't know; six, seven.

18 **Q.** So what are the -- what are the various
19 buildings used for?

20 **A.** Various inventory.

21 **Q.** So you're saying that vehicles or -- or vehicle
22 parts are -- are stored in -- in all of the
23 buildings?

24 **A.** Yes.

25 **Q.** And is the -- is the office kind of in one --

1 one of -- one of those buildings where the -- where
2 the vehicles or vehicle parts are kept or is it --
3 is it a separate building?

4 **A.** Repeat the question again.

5 **Q.** Well, let me -- let me try something different.
6 Is -- is there -- is there kind of, like, a front
7 door where, you know, a customer or someone wanting
8 to do business with Adelman's where -- where they
9 would -- where they would go first?

10 **A.** Oh, yeah, yes.

11 **Q.** And is that -- is that in the same general area
12 as the -- as, you know, the -- the business offices?

13 **A.** Yes.

14 **Q.** And is that -- is that area -- is -- is -- is
15 that part of -- of a building that -- where vehicles
16 and -- or vehicle parts are -- are stored?

17 **A.** Well, the back of the building, yes.

18 **Q.** And do you have any kind of office or desk,
19 work space what -- that -- that you -- that -- that
20 is -- is your own?

21 **A.** Like, what do you mean, do work out of?

22 **Q.** Do you -- well, first of all, do you -- do you
23 have a -- do you have a separate office?

24 **A.** Do I have an office? No.

25 **Q.** Do you have -- do you have a -- a -- a -- a

1 desk of your own?

2 **A.** I -- I have a desk.

3 **Q.** And where -- where -- where is that -- that
4 located?

5 **A.** It's in the shop with me.

6 **Q.** Is that in the -- the same building as the --
7 as the offices or a different -- a different
8 building?

9 **A.** It's a different building.

10 **Q.** Okay. And is the -- the building that has the
11 shop is -- is there also storage space --

12 **A.** Yes.

13 **Q.** -- in that building?

14 Is it -- are vehicles or are parts kind of
15 stored -- stored in the shop building long term or
16 are they -- well, I'll just -- I'll just leave it at
17 that? Are they stored in that -- in that building
18 long term?

19 **A.** Define "long term."

20 **Q.** Well, let me -- let me put it another way.

21 How -- how long do you -- do you usually -- strike
22 that.

23 How long -- how long does -- does it take for
24 you to do all of your -- all your tasks with a --
25 with a particular engine?

1 **A.** One -- one particular engine? It can range
2 from 20 minutes to, you know, who knows, until I'm
3 done.

4 **Q.** So I -- I guess I -- I -- I would put the
5 question like this: Is -- are vehicles or vehicle
6 parts, are they -- are -- are they stored in -- in
7 the building with your shop more than three or four
8 days?

9 **A.** Yes.

10 **Q.** More than -- more than a week?

11 **A.** Yes.

12 **Q.** More than a month?

13 **A.** Like, all inventory?

14 **Q.** I'm just asking whether -- whether it's normal
15 for -- for one -- for -- for one engine to stay in
16 your building for -- for -- for a month or longer.

17 **A.** Yes, for a month.

18 **Q.** Could -- could you describe a -- a typical day
19 at work, you know, starting -- starting with when
20 you arrive and, you know, kind of continuing on?
21 Where do you go first?

22 **A.** Well, I clock in and then I open up my shop,
23 and then whatever various inventory I have that I
24 have to do, I start on.

25 **Q.** And how do you know what -- what that inventory

1 consists of?

2 **A.** It's whatever is brought down to me from the
3 people who take the engines out of the vehicles.

4 **Q.** And who are those -- who -- who are those
5 people that -- that bring the engines down?

6 **A.** Namewise? You want names?

7 **Q.** Well, how many of them are there?

8 **A.** How many are there? It can range from two to,
9 like, five.

10 **Q.** And what -- so those are Adelman's employees --

11 **A.** Yes.

12 **Q.** -- I'm guessing?

13 And do you know -- do you know what their --
14 what their job -- job titles are?

15 **A.** To me that's no concern of mine because I have
16 my own job to worry about.

17 **Q.** Well, what other -- what other types of things
18 do -- do those people do besides bringing --
19 bringing engines to you?

20 **A.** All honesty I don't pay attention. I have
21 my -- again, I don't have my duty to worry
22 about --

23 **Q.** Are you saying you don't -- you don't know what
24 they do?

25 **A.** I know what they do. They pull engines.

1 Q. And before were -- are you saying that you
2 don't know what their -- their job titles are?

3 A. Titlewise, no. What I see, they pull engines.

4 Q. And where does -- where does that happen,
5 pulling -- the pulling of the engines?

6 A. Up -- up on top of the hill.

7 Q. Okay. So where -- where is the -- the hill
8 then in relation to the shop?

9 A. It's, like, a hundred feet from my door give or
10 take another hundred feet.

11 Q. And then -- and so where -- and then where are
12 you in relation to kind of the -- the front door
13 office area? Strike that.

14 Where is -- where is the shop in relation to
15 the front door office area?

16 A. I'm the third building back.

17 Q. Is there -- is there a particular time of day
18 when the people who pull the engines bring -- bring
19 the engines to the -- to the shop?

20 A. Can you repeat that?

21 Q. Let me put it a different way. Is there -- is
22 there a -- is -- is there a regular schedule for the
23 people who pull the engines to -- to bring engines
24 to -- to your shop? Is there -- is there any kind
25 of regular routine to that?

1 **A.** No.

2 **Q.** So -- oh, and where -- where do you clock in
3 for your time?

4 **A.** Second building from the front.

5 **Q.** And what -- and what else is in that building?

6 **A.** More inventory.

7 **Q.** Anything else?

8 **A.** No.

9 **Q.** What time do you -- do you usually arrive for
10 work in the morning?

11 **A.** Around 7:55ish depending on traffic.

12 **Q.** And is there anyone else in the -- in -- in the
13 shop typically when you -- when you arrive?

14 **A.** Like, my shop?

15 **Q.** Yes, in your -- in -- in your building.

16 **A.** Yes.

17 **Q.** So who -- who would those people be?

18 **A.** For my particular building?

19 **Q.** Yes.

20 **A.** You need a name?

21 **Q.** Well, first of all, how many?

22 **A.** One.

23 **Q.** One.

24 So, yeah, who is that person, what is that
25 person's name?

1 **A.** Matt.

2 **Q.** And what is -- what is Matt's job?

3 **A.** He starts engines, too.

4 **Q.** Does he have the -- the same job -- job
5 description that you do?

6 **A.** Yes.

7 **Q.** Are you -- strike that.

8 Is -- is one -- one of you in -- in charge? In
9 other words, is one of you the supervisor of the
10 other?

11 **A.** No.

12 **Q.** Who is your immediate supervisor?

13 **A.** I honestly don't know.

14 **Q.** So what is the first thing you do when -- when
15 you arrive in the -- in -- in your shop building in
16 the morning?

17 **A.** When I get in my -- my building, I turn
18 everything on, get changed and then start picking
19 and choosing what needs to be done.

20 **Q.** And how do you go about choosing what needs to
21 be done?

22 **A.** Whatever is in front, I guess, or, you know --
23 yeah, whatever is -- whatever is in front.

24 **Q.** When you -- when you say "in front," what do
25 you -- what -- what are you referring to?

1 **A.** I'm pretty busy. So I can get three, four,
2 five, six, you know, engines and I put them in my
3 building, and if I start with one and more come, it
4 just builds and builds. So I could have times 10,
5 12 to choose from.

6 **Q.** And -- and where -- where are -- are the
7 engines that you're choosing from?

8 **A.** Stored inside.

9 **Q.** In the -- in the shop building?

10 **A.** In the shop building.

11 **Q.** So after you've decided which -- which engine
12 to start with, what -- what do you do then?

13 **A.** Pull it out from its spot and start cleaning
14 up, taking all the hoses and wiring, cleaning -- you
15 know, cleaning it up.

16 **Q.** So could -- I'm sorry. Could you say again
17 what you do with the -- the wires and the -- and the
18 hoses?

19 **A.** Because when they come out of the trucks, they
20 just cut the wiring from the cab and they just lay
21 it on the motor. Well, we don't use the wiring. So
22 I take the wiring off, I take all the unnecessary
23 hoses. Pretty much what's unnecessary to be on it I
24 take off.

25 **Q.** And then what do you do?

1 **A.** Make sure it turns, check the oil. If
2 everything checks out, there then I proceed to start
3 it.

4 **Q.** How do you -- how do you check that it turns?

5 **A.** I bar it over with a bar or pipe wrench and
6 manually turn it by hand.

7 **Q.** And I -- I apologize because these are going
8 to sound -- these are going to be really simple
9 questions but I'm -- I'm -- I'm -- I'm not an
10 expert. So when you say "it turns," what --
11 what's -- what's the "it," what are you -- what are
12 you talking about?

13 **A.** Make sure the engine turns, make sure --
14 depending on you go from a barring on the clutch or
15 from the harmonic balancer, you turn it manually
16 easily and then you proceed.

17 **Q.** And it's at that point that -- that you run --
18 that you run the engine?

19 **A.** Yes.

20 **Q.** So how do you do that?

21 **A.** I take one of my harnesses off the wall that
22 I -- for that particular make of engine, hook fuel
23 to it, hook batteries to it, put my harness on it,
24 put an oil gauge on it, crank it over before I start
25 it and make sure it builds oil pressure. If it then

1 builds oil pressure, then I proceed to actually
2 start the engine.

3 **Q.** And how do you know which -- which harness to
4 use?

5 **A.** I have them on a wall.

6 **Q.** But how do you know which -- which harness goes
7 with which -- with -- with the engine in front of
8 you?

9 **A.** Doing this 20 years, you know, you know which
10 harness to use.

11 **Q.** So you're saying that there are -- there are
12 different -- different harnesses for --

13 **A.** Yes.

14 **Q.** -- for different makes of --

15 **A.** Yes.

16 **Q.** -- engine?

17 **A.** Yes.

18 **Q.** And you -- strike that.

19 Once -- have you -- when was the -- the last
20 time that you were -- that you were -- you were
21 stumped about -- about which harness to use and --
22 strike that.

23 When was the last time you had to, like, look
24 up, like, which -- which harness to use?

25 **A.** Never.

1 **Q.** You did -- you did a lot of the same stuff at
2 Akron -- Akron Medina that you do at --

3 **A.** Yes.

4 **Q.** -- Adelman's?

5 Was -- was there -- was there ever a time that
6 you didn't know straight off which -- which harness
7 went with which -- which engine when you worked
8 there?

9 **A.** In the beginning working at Akron Medina, we
10 didn't have any harnesses.

11 **Q.** Why -- why was that?

12 **A.** Because at the time before me they didn't have
13 anybody that was capable of starting them.

14 **Q.** So are -- are you saying that they -- that they
15 did get harnesses later?

16 **A.** No.

17 **Q.** So how did that -- how did that change the --
18 the process of -- of starting -- starting the
19 engine?

20 **A.** Because I made the harnesses.

21 **Q.** So they got the harnesses from you?

22 **A.** Yes.

23 **Q.** So, generally speaking, what are you -- what
24 are you looking for when you -- when you run the
25 engine?

1 **A.** Can you try to be more specific?

2 **Q.** Well, do you have a -- a -- strike that.

3 So earlier I believe you said that you were
4 making sure engines were qualified to be put in
5 stock. What are the -- what -- what are the things
6 that you're looking for to make sure that it's
7 qualified to be put in stock?

8 **A.** Good oil pressure, no smoke, no blowby, no
9 abnormal noises.

10 **Q.** Have -- have -- have you ever run -- run an
11 engine that -- that didn't have good oil pressure?

12 **A.** Yes.

13 **Q.** So what do you -- what do you typically do when
14 that -- when that happens?

15 **A.** I mark it to be drained and it gets over and it
16 gets drained.

17 **Q.** What do you mean -- what do you mean mark it as
18 drained?

19 **A.** Mark it -- mark -- I take it over to another
20 person to drain the oil out of it so it doesn't make
21 it -- doesn't -- doesn't qualify.

22 **Q.** So when you say you take it to someone else, do
23 you -- are you the one who physically takes it over
24 to the -- to the person who is going to drain it?

25 **A.** The majority of the time, yes.

1 **Q.** So what would -- what -- what would typically
2 happen with the engine after -- after you've dropped
3 it off with that -- with that person?

4 **A.** It usually gets picked up and taken to another
5 building.

6 **Q.** Is there -- is -- is -- strike that.
7 Do you have to test the engine a second time
8 after the -- after the engine is drained?

9 **A.** No.

10 **Q.** What building would -- would the -- would the
11 engine be taken to after that?

12 **A.** Can you be a little more specific on that?

13 **Q.** Well, after the -- after the -- the engine is
14 drained, is it -- is it considered to be qualified
15 to be put in -- in stock?

16 **A.** Like, in good stock, running stock? No.

17 **Q.** So -- so what is done then with those -- with
18 those engines that are not considered to be running
19 stock?

20 **A.** Gets put with all the other nonqualified stock.

21 **Q.** Is there a particular -- is there a particular
22 building or buildings where those -- where those
23 engines are -- are put?

24 **A.** Can you be more -- more specific on that?

25 **Q.** Is there -- is there a particular area at the

1 Adelman's site that's -- that's reserved for engines
2 that are not -- that are not running -- running
3 stock?

4 **A.** Yes.

5 **Q.** What is that area?

6 **A.** Doesn't really have a name, it's just a place.

7 **Q.** Is it in a building, is it outside?

8 **A.** Yes to both.

9 **Q.** But I'm guessing that most Adelman's employees
10 know what the area is for -- for those types of
11 engines that aren't -- that aren't running --
12 running stock -- stock?

13 **A.** There's not very many employees dealing with
14 engines.

15 **Q.** But everybody who -- who needed -- who needed
16 to know -- like, it's just kind of, like, customary
17 that certain engines -- engines that aren't
18 performing are placed in a -- in a certain area?

19 **A.** Yes.

20 **Q.** So if you -- if you ran an engine and -- well,
21 let me back up.

22 Have you ever -- have you ever started an
23 engine and it started to smoke?

24 **A.** Define "smoke."

25 **Q.** Well, let -- let -- let me ask you this: What

1 are -- what are the different ways that an engine
2 can -- can smoke?

3 **A.** Well, it's a diesel, they all smoke.

4 **Q.** Is there a --

5 **A.** I mean, if -- if it -- it smokes excessively,
6 then it's got an issue.

7 **Q.** And you've been -- you've been doing this for
8 17 years, so you have a pretty good idea --

9 **A.** Yes.

10 **Q.** -- what excessive smoke is?

11 **A.** Yes, I do.

12 **Q.** So have you ever -- have you ever started
13 running an engine and it smoked excessively?

14 **A.** Yes.

15 **Q.** So what typically do you -- do you do then?

16 **A.** I hook the computer up to it, see if it's a
17 sensor. Since these engines nowadays are all
18 electronically controlled, a simple sensor can make
19 an engine run many different ways. And if it can't
20 be easily fixed, then I put -- it doesn't make it in
21 stock because nobody wants a smoky engine.

22 **Q.** Do you have -- do you have one computer that --
23 that you hook up to all the engines or do you have
24 to use different computers depending on --

25 **A.** One computer just has a simple program.

1 **Q.** And what would you do next if -- if the engine
2 continued to smoke excessively after that?

3 **A.** I would run it a few more times seeing if it
4 could be a stuck injector, poor quality fuel.

5 **Q.** Has there -- has there ever been a situation
6 where you couldn't -- you couldn't figure out what
7 was making the -- the engine smoke excessively?

8 **A.** Can you repeat that?

9 **Q.** Has -- has there ever -- has -- has -- strike
10 that.

11 Have you ever tested an engine that it smoked
12 excessively and you weren't able to determine --

13 **A.** Yes.

14 **Q.** -- why?

15 **A.** Yes.

16 **Q.** And when that happens, what -- what do you do
17 next?

18 **A.** Goes over, gets drained, puts them with the
19 other engines.

20 **Q.** Could you describe what you mean by "gets" --
21 "gets drained"

22 **A.** Oil gets drained out of it.

23 **Q.** Do you know what happens to the engine after
24 that?

25 **A.** Somebody picks it up and it goes over to where

1 all the other engines are.

2 Q. The place that we were talking --

3 A. Yes.

4 Q. -- a few minutes ago?

5 Have you ever run an engine and the engine made
6 abnormal noises?

7 A. Yes.

8 Q. So what would you do then?

9 A. Stop immediately, take it over to get drained.

10 Q. Is there -- is there ever a -- a situation
11 where you can -- you can fix the -- the abnormal
12 noise?

13 A. Can you be more specific?

14 Q. Is it -- is it -- is it always the case that
15 when -- when you hear an abnormal noise you send it
16 over to be drained or is -- are there -- are there
17 times when you're able to -- you or someone else is
18 able to -- to fix what's causing the abnormal noise?

19 A. Yes.

20 Q. Do you mean yes there -- there are times that
21 you're able to -- to fix it or -- I'm sorry. I -- I
22 gave you both options when I asked the question, so
23 which one is --

24 A. Okay.

25 Q. I'll -- let me -- I'll -- I'll start over

1 because I didn't do a very good job with that.

2 When you -- when you hear an engine making an
3 abnormal noise, do you always take it over to -- to
4 be drained?

5 **A.** Define "noise."

6 **Q.** Well, let me ask you this: What -- what kinds
7 of -- of noises would you consider to be abnormal
8 since you said abnormal noises would be one thing
9 that you were looking for when you ran an engine?

10 **A.** It has a rod knock, that's -- that's not
11 repairable. If it has a miss, that's pretty much as
12 far as we go. Any other abnormal noises we don't
13 dig into.

14 **Q.** Could -- could you help me out by explaining a
15 little bit about what a "rod knock" is?

16 **A.** A rod knock is when a bearing goes out and it
17 gets loose.

18 **Q.** And you said that's -- that's non-repairable?

19 **A.** At our standpoint, no, it's non-repairable.

20 **Q.** I'm sorry. Let -- let me ask it a different
21 way. Are -- are you saying that that can be
22 repaired or cannot be repaired?

23 **A.** Well, we don't dig into it. So I -- I don't
24 know.

25 **Q.** So when you say "we" -- "we don't dig into it,"

1 are you just saying you -- you and Matt or are you
2 saying nobody at Adelman's?

3 **A.** Nobody on the premises goes into these engines.

4 **Q.** So you -- you referred to something called a
5 "miss," I believe. Can -- can you explain what
6 that -- what that is?

7 **A.** A miss is when an injector is not firing.

8 **Q.** And does anyone at Adelman's make -- make an
9 attempt to repair those -- those sorts of problems?

10 **A.** On occasion.

11 **Q.** But would you say -- well, strike that.

12 Is that an exception or is it -- or is it
13 the -- the rule that -- that someone would try to --
14 to fix those things?

15 **A.** Can you be more specific?

16 **Q.** You said that someone at Adelman's might try to
17 fix an injector not firing on occasion. So what I'm
18 asking is: Is that -- is that an -- an uncommon
19 occurrence?

20 **A.** You mean does it happen a lot or not a lot?

21 **Q.** Right. Does it -- does it happen a lot or --
22 or --

23 **A.** No.

24 **Q.** -- not a lot, that's what I'm asking.

25 **A.** No, it doesn't happen a lot.

1 **Q.** And are there any other kinds of noises that
2 you would consider abnormal that would -- that would
3 cause you to send -- send the engine to be -- to be
4 drained?

5 **A.** Yes.

6 **Q.** For -- for example?

7 **A.** Popping coming out of the intake or exhaust.

8 **Q.** What usually causes that?

9 **A.** A bad valve.

10 **Q.** Are there any other examples you can think of?

11 **A.** No.

12 **Q.** Are there certain types of noises that an
13 engine makes that you consider abnormal but
14 wouldn't -- wouldn't cause you to -- to send it
15 to -- to be drained?

16 **A.** Can you repeat that?

17 **Q.** I'll try.

18 I believe earlier you said that there were --
19 there were certain types of -- of noises that you
20 wouldn't -- you wouldn't look into further. Strike
21 that.

22 Well, are -- are there other -- are there other
23 noises that you would consider to be abnormal that
24 we haven't -- we haven't discussed so far?

25 **A.** No.

1 **Q.** Do you know what happens to the -- to the
2 engines after they're -- they're drained and then
3 when -- after they're -- they're put in the area
4 designated for engines that aren't working stock?

5 **A.** No.

6 **Q.** And if you -- if you run an engine and
7 everything seems to you to be working fine, what
8 happens then?

9 **A.** Shut it down, let it cool, move on to another
10 motor I'll work on, hour or two later start it back
11 up.

12 **Q.** Why do you do that?

13 **A.** Double-check that it passes.

14 **Q.** And if everything seems to be working fine
15 after -- after that -- that double-check, what
16 happens then?

17 **A.** Let it cool down, if I'm not backed up, wait
18 another hour or two, start it one more time.

19 **Q.** So you test it three times?

20 **A.** As long as I'm not swamped, yes, I typically
21 start every engine three times.

22 **Q.** What's -- what -- what's on your -- your desk
23 in -- in the -- in the shop building?

24 **A.** My desk?

25 **Q.** Mm-hmm.

1 **A.** Microwave, refrigerator, phone, notepad and
2 pens.

3 **Q.** You said "pad and pens"?

4 **A.** Yeah.

5 **Q.** Do you have a computer at work?

6 **A.** Yes.

7 **Q.** Is that on your desk?

8 **A.** No.

9 **Q.** Where -- where is that?

10 **A.** It's over on the bench -- workbench.

11 **Q.** Is this a -- is -- is this a regular desktop
12 computer or is this the computer that you hook up to
13 engines?

14 **A.** It's a regular computer I hook up to the
15 engines.

16 **Q.** I'm sorry?

17 **A.** It's -- what you mean, like, laptop or a
18 specific computer for engines?

19 **Q.** Well, let me ask you this: Does -- does it --
20 does it resemble the -- the kind of desktop computer
21 that, you know, would be familiar to most people
22 with a keyboard and --

23 **A.** Oh, yes.

24 **Q.** -- processing unit?

25 And that's the computer that you hook up to the

1 engines, or not?

2 **A.** Yes.

3 **Q.** And I think you said earlier that you -- that
4 you have, you know, a certain software --

5 **A.** Just --

6 **Q.** -- program?

7 **A.** Just a simple -- a simple program.

8 **Q.** Do you use the computer for anything else
9 besides that?

10 **A.** Listen to music.

11 **Q.** Anything -- anything besides hooking it up to
12 engines or listening to music?

13 **A.** No.

14 **Q.** Do you send or receive email on the computer?

15 **A.** The only thing I send is reports of the engines
16 to the salesmens.

17 **Q.** And is that -- do you file a separate report on
18 each engine or is it more like -- or is it like a --
19 like a daily report or something else?

20 **A.** Each -- each engine has its own file. So I
21 send separate files.

22 **Q.** What would be in the -- in the report typically
23 for an engine?

24 **A.** Typically oil pressure, mileage, serial number,
25 VIN number occasionally.

1 **Q.** How do you -- how do you know what the mileage
2 is?

3 **A.** Because it says right there on the program, it
4 will say "mileage."

5 **Q.** And you -- you submit that in -- in the form of
6 an email or do you -- or how do you -- how do you do
7 that? That -- that's what I thought I heard, but
8 I'm -- I'm -- could be wrong.

9 **A.** I guess it would be email. I'm not very, like,
10 computer savvy.

11 **Q.** I understand. I'm -- I'm not either.

12 I guess what -- what I'm asking is do you -- do
13 you have to -- well, first of all, do you have to
14 type in, like -- like -- like, an email address to
15 someone that you're sending it to?

16 **A.** The way I do it is I go over to mail, put in
17 the salesman's name, put in the files, push send and
18 it goes to them and that's it.

19 **Q.** Do -- is -- is there -- is there a certain kind
20 of form that you just fill in the blanks to or do
21 you just kind of, like, type up each -- each report
22 from scratch?

23 **A.** No, when I bring up the program, whatever it
24 says -- whatever the computer says, that's what --
25 that's what that is. I cannot go in there. I can't

1 change nothing.

2 So when I send a report, I tell a short thing
3 saying the motor, horsepower and then send it.

4 Q. Okay. I just want to make sure I understand
5 what you're saying. So are -- are you saying that
6 the -- the computer program that's used to interface
7 with the engine automatically fills in information?

8 A. No. What the --

9 Q. Okay.

10 A. What the --

11 Q. I didn't understand then.

12 A. No. What I'm seeing on the screen --

13 Q. Mm-hmm.

14 A. -- is what the computer is giving me. So the
15 oil pressure, that's what the oil pressure sending
16 unit is sending to the computer which is then
17 sending to me that I can see. So I can't -- I can't
18 change nothing. What I see, what we get is what the
19 engine is giving me.

20 Q. Okay. I think I understand.

21 Do you know -- do you know what the name of
22 the -- of the program is that works with the -- the
23 engines?

24 A. Only thing I know is the unit says DG5 and
25 that's it.

1 **Q.** "DG5," is that the name of the -- of the
2 computer or --

3 **A.** That's the -- the name of the software.

4 **Q.** Okay.

5 **MR. ADELMAN:** Can we take a break? I
6 have to go to the bathroom.

7 **MR. MILLER:** Yeah, of course. Ten
8 minutes?

9 **MR. ADELMAN:** At the most.

10 **THE VIDEOGRAPHER:** We're off the record.

11 (Thereupon, a recess was taken.)

12 **THE VIDEOGRAPHER:** We're back on the record.

13 **BY MR. MILLER:**

14 **Q.** Mr. Ives, earlier I showed you what had been
15 marked as Defendant's Exhibit 1 and I asked you if
16 you had ever seen it before, and I believe you said
17 you hadn't; is that -- is that correct?

18 **A.** Yes.

19 **Q.** How did you -- how did you find out that you
20 had to come endure this deposition?

21 **A.** I was told.

22 **Q.** Who told you?

23 **A.** Carl.

24 **Q.** And how -- how did -- well, first of all, by --
25 when -- when you say "Carl," you're referring to

1 Carl Adelman?

2 **A.** Yes.

3 **Q.** And he's your -- he's your boss?

4 **A.** Yes.

5 **Q.** And how -- how did he tell you, was it in
6 person or was it over the phone? Just, like,
7 generally how -- how did that happen?

8 **A.** In person.

9 **Q.** And do you remember when that was?

10 **A.** I don't know. I -- I don't know.

11 **Q.** Did -- did it happen at Adelman's, at work?

12 **A.** Yes.

13 **Q.** Do you remember -- do you remember where it
14 happened at -- at work?

15 **A.** No.

16 **Q.** And did you -- strike that.

17 I'm not -- so -- I'm -- I'm not asking you what
18 you talked about, if anything, but did you -- did
19 you at any point talk to Mr. Rambacher about --
20 about this deposition? Let me strike that.

21 Before -- before 10 a.m. this morning, did
22 you -- did you ever speak to Mr. Rambacher about
23 your testimony today?

24 **A.** Can you be more specific?

25 **Q.** I'm just wondering -- without -- without

1 telling me the contents of the conversation, I'm
2 just wondering if you've had a conversation with
3 John Rambacher about the deposition before today.

4 **A.** No.

5 **Q.** And, again, without telling me what you would
6 have talked about, did you -- did you talk about
7 this deposition with an attorney named Mike
8 Kahlenberg before today?

9 **A.** No.

10 **Q.** Is there anyone else that you talked about the
11 deposition with that we haven't -- that we haven't
12 mentioned?

13 **A.** No.

14 **Q.** Did you -- did you discuss it at all with Matt,
15 the other person who works in the -- in -- in the
16 shop with you?

17 **A.** No.

18 **Q.** And how many times did you -- did you talk
19 about the deposition with Mr. Adelman before today?

20 **A.** None.

21 **Q.** Well, you just said that Mr. Adelman was the
22 one who told you about the -- the deposition; is
23 that -- is that correct?

24 **A.** Yes, that one and only time.

25 **Q.** And what did you -- what did you discuss

1 when -- when he told you about the deposition?

2 **A.** Just told me to be at work at 7:30.

3 **Q.** So you mean he said to just show up at your
4 regular place of work at 7:30 this -- this morning,
5 is that --

6 **A.** Yes.

7 **Q.** And what did you -- what did you look at,
8 either papers or records on a computer, to get ready
9 for -- for this deposition?

10 **A.** None.

11 **Q.** On average about -- about how many -- how many
12 engines do you -- do you run every day?

13 **A.** About four or five.

14 **Q.** If I had to guess, how many -- how many
15 engines -- if you had to guess a range, how many --
16 how many engines do you think you've run since
17 you've -- you've worked for Adelman's Truck Parts?

18 **A.** Hundreds into the thousands. A lot.

19 **Q.** If you -- if you count your previous job at
20 Akron Medina, what -- what do you believe the range
21 would be of -- of engines that you've -- that you
22 have run in your lifetime?

23 **A.** Thousands.

24 **Q.** Do you think more than -- more than ten
25 thousand?

1 **A.** No.

2 **Q.** More than 5,000?

3 **A.** No.

4 **Q.** Do particular motors stand out to you in other
5 ways? So, for instance, can you remember specific
6 motors that you tested, you know, two or three years
7 ago?

8 **A.** No.

9 **Q.** Could you remember a specific motor that you
10 tested about a year ago?

11 **A.** No.

12 **Q.** Do you -- do you know who Don Jones is?

13 **A.** No.

14 **Q.** Do you know anything about the engine that he
15 purchased from -- from Adelman's Truck Parts?

16 **A.** No.

17 **Q.** How many -- how many salespeople are there at
18 Adelman's?

19 **A.** I don't know.

20 **Q.** Would you say -- well, could you -- could you
21 give a range that you believe would be a good
22 estimate?

23 **A.** Can you be more specific on, like, salespeople?

24 **Q.** Well, what -- how many -- how many different
25 kinds of salespeople are there at -- at Adelman's?

1 **A.** Well, there's various parts to a truck. So
2 there's various salesmen.

3 **Q.** Okay. Well, if you included all the -- all the
4 people who -- whose job is to sell all of those
5 various parts of the trucks, about how many of those
6 people would there be?

7 **A.** I honestly don't know.

8 **Q.** Is it more than ten?

9 **A.** I don't know.

10 **Q.** Is it more than five?

11 **A.** I don't know.

12 **Q.** When you -- you send a report about an engine,
13 can you see the -- the name of the -- of the
14 salesperson that it's being sent to?

15 **A.** Yes.

16 **Q.** So how many -- how many different people
17 have -- have you sent reports on engines to?

18 **A.** Two.

19 **Q.** Two.

20 What are the names of those people?

21 **A.** Bill and Brian.

22 **Q.** And is Bill, Bill Betz?

23 **MR. ADELMAN:** That's his last name.

24 **THE WITNESS:** I guess. I don't know
25 his last name. I guess.

1 **MR. ADELMAN:** Yes.

2 **BY MR. MILLER:**

3 **Q.** I just want to make sure I understand what you
4 said before. Did you say that before you hit the
5 send or submit button that you have the opportunity
6 to type in notes into the report?

7 **A.** No, not -- not in the report. When I make the
8 report, I make, like, a name. So when I send that
9 file, it's the name of -- of whatever I start. It's
10 just -- it's just naming that file. I don't do
11 anything actually in that file. I cannot touch
12 the -- the -- the information I got off the
13 computer. The computer is -- what is there is what
14 I got.

15 **Q.** So are you saying that the -- the file that's
16 generated by the program is an attachment to an
17 email?

18 **A.** Again, I'm not computer savvy. I was just
19 shown how to do it.

20 **Q.** But is -- is -- is there -- do -- do you --
21 strike that.

22 Have you ever -- have you ever typed -- typed a
23 note about -- about an engine?

24 **A.** Can you be more specific?

25 **Q.** Well, have you ever -- have you ever typed

1 anything about an -- an -- an engine while you were
2 working for Adelman's Truck Parts?

3 **A.** I'm sorry. What was the question again?

4 **Q.** Have you ever -- well, while you've been an
5 employee of Adelman's Truck Parts, have you ever --
6 have you ever typed anything having to do with an
7 engine that you had run?

8 **A.** Only thing I normally type in is if I get the
9 engine and the -- when it comes down to it, when the
10 engine has a different computer on it, I always let
11 them know that the computer is not original to the
12 engine.

13 **Q.** So where -- where -- where would you type that?

14 **A.** Right below in parentheses saying "computer is
15 not original."

16 **Q.** Are you saying that -- that you type "computer
17 not original" in parentheses?

18 **A.** Yes.

19 **Q.** And you're typing it below something, but what
20 is it below?

21 **A.** It's -- when I make my report out, I type in --
22 you know, let's say, 99 N 14 550 horse with Jakes,
23 CPL number, serial number. If the computer is a
24 reman or not original to that engine, I put in there
25 in parentheses "not original computer."

1 **Q.** So you -- you type in the -- the other
2 information that you -- you just mentioned in the
3 report?

4 **A.** Yes, the serial number and stuff that's
5 original with the engine, if it does not match the
6 computer, what's originally on that engine original,
7 I type in, and then in parentheses saying "not
8 original computer" so they don't get mixed up.

9 **Q.** Do you have -- do you have a Adelman's email
10 address?

11 **A.** Do I specifically?

12 **Q.** Yeah, do -- do you have -- do you have a -- an
13 email address that's provided by your employer that
14 you use for business purposes?

15 **A.** No.

16 **Q.** Is there -- is there a shared Adelman's email
17 address that you sometimes use?

18 **A.** I don't know.

19 **Q.** Well, do you use email at all with anything
20 having to do with your job?

21 **A.** I have never sent an email in my life.

22 **Q.** What do you -- when you're -- when you're
23 running an engine, what -- what do you routinely
24 have with you? Are there, like, certain tools that
25 you -- that you need? I mean, what -- what -- what

1 do you have and, like, what -- what do you use while
2 you're doing it?

3 **A.** While running it?

4 **Q.** Yes.

5 **A.** The only tool I use while I'm running it is the
6 computer.

7 **Q.** Are there other tools that you -- that you use
8 to get the engine ready to run?

9 **A.** Well, of course. You know, you have -- have to
10 put fuel lines and power.

11 **Q.** So -- so what are -- what are the -- what are
12 the tools then that you would have to use?

13 **A.** Well, it's different for each motor. You know,
14 Cummins uses one tool, Cat uses another tool, small
15 Cat uses a certain amount of tools, big Cat.

16 **Q.** If you were going -- going to -- if it was
17 going to be Caterpillar or C7 motor, what kind of
18 tool would you use?

19 **A.** Crescent wrench for fuel lines, three-quarter
20 socket for battery cables, a 5/32 Allen wrench for
21 the plug.

22 **Q.** And do you -- do you have a pad and paper to,
23 like, make notes on the -- on -- on the -- on the
24 work that you're doing?

25 **A.** I write down the serial number and stuff and

1 verify it on a computer.

2 **Q.** What do you mean "verify"?

3 **A.** And see -- every engine from factory has serial
4 numbers on the engine and serial numbers in the
5 computer.

6 **Q.** So they -- do they always match?

7 **A.** The majority of them -- majority of them always
8 match, yeah.

9 **Q.** If it didn't match, what would that -- well,
10 strike that.

11 What -- what would you do if they didn't match?

12 **A.** I would -- if the engine ran just fine and
13 everything checked out, I would mark it good, just
14 not original computer.

15 **Q.** Do you -- you usually know where the -- the
16 engine that you're running has come from?

17 **A.** Can you be more specific?

18 **Q.** Well, it's -- Adelman's doesn't -- doesn't
19 manufacture engines themselves, right?

20 **A.** No.

21 **Q.** It -- it purchases engines or entire vehicles
22 from other sources?

23 **A.** Yes.

24 **Q.** Do you usually know what the sources are that
25 they bought, you know, the engine or the vehicle

1 that it --

2 **A.** No.

3 **Q.** Who -- who would know that at Adelman's?

4 **A.** I don't know.

5 **Q.** Is there -- is there a person who is in charge
6 of obtaining -- obtaining vehicles and -- and
7 vehicle parts?

8 **A.** That I don't know.

9 **Q.** Do you know anybody who has anything to do with
10 obtaining engines or -- or engine parts?

11 **A.** I don't know.

12 **Q.** How many people did -- did you say worked --
13 worked at the location that -- that you work at? I
14 guess, let me -- I'll -- I'll -- I'll say why I'm
15 phrasing it that way.

16 I -- I know that there's -- I -- I -- I know
17 that Adelman's has a location in Chicago. So what
18 I'm -- what I'm saying is I'm not asking you for the
19 total number employees, I'm just asking for, like,
20 the number of employees who are generally around the
21 location where you work.

22 **A.** I don't know.

23 **Q.** Is there a break room or lunchroom or -- or
24 anything like that, like a -- like a space for
25 employees to take a break --

1 **A.** Yeah.

2 **Q.** -- take a lunch?

3 **A.** Yes.

4 **Q.** And do the -- do the employees generally get
5 along? Is there a good rapport between --

6 **A.** Yeah, we all -- we all get along.

7 **Q.** Do you -- do you talk about your jobs at all?

8 **A.** No.

9 **Q.** What do you talk about?

10 **A.** Everything and anything, football, politics,
11 wives, girlfriends.

12 **Q.** But do you generally know what the jobs are of
13 the -- of the people that you're -- that you're
14 meeting with in the lunchroom or break room?

15 **A.** I personally eat in my building. So I don't
16 really mingle with people in the break room.

17 **Q.** How often is -- is Mr. Adelman in the room
18 while you're -- while you're running an engine?

19 **A.** He pops in occasionally.

20 **Q.** When you say "occasionally," do you mean more
21 like once -- once a week, once a month on average?

22 **A.** In honesty, I don't pay attention; I don't
23 know.

24 **Q.** You don't pay attention whether your boss is
25 around or not?

1 **A.** Well, yeah, I pay attention when the boss is
2 around, but, you know, I'm not going to be, like --
3 you know, stops in and sees what I'm doing.

4 **Q.** So when he stops in, it's usually for short
5 amounts of time or long amounts of time?

6 **A.** Varies. You know, I might have a question on a
7 particular engine.

8 **Q.** How often are any of the salespeople present
9 when you run an engine?

10 **A.** Again, it varies.

11 **Q.** Is it every day?

12 **A.** Depends on how busy we are.

13 **Q.** How would -- how would how busy you are affect
14 it? If -- if you were more busy, would that make it
15 more likely or less likely?

16 **A.** Less likely because they're busy taking calls.

17 **Q.** Do you see -- the two -- the two salespeople
18 that you mentioned earlier, do you see them every
19 day?

20 **A.** Yes.

21 **Q.** Is that usually in the shop building where you
22 work or somewhere else?

23 **A.** Again, it can vary.

24 **Q.** Well, what are the other places where it
25 could -- it could happen?

1 **A.** They could be looking at a motor in the
2 building next door to me, I could be walking over to
3 the bathroom, get supplies. Various -- various
4 ways.

5 **Q.** And do you see Mr. Adelman every day?

6 **A.** No.

7 **Q.** If you see Mr. Adelman, is it -- is it always
8 in the shop building where -- where you work?

9 **A.** No. Again, it could be anywhere on the -- on
10 the premises.

11 **Q.** You mentioned, I think, before that sometimes
12 you might have a question about a specific engine
13 that you might talk to Mr. Adelman about.

14 **A.** Mm-hmm.

15 **Q.** When that happens, do you -- do you call Mr. --
16 Mr. Adelman to -- to say what your question is?

17 **A.** Yes.

18 **Q.** And then do you usually talk about it on the
19 phone or -- or in person later?

20 **A.** Yes to both.

21 **Q.** How often does that happen?

22 **A.** Again, it varies.

23 **Q.** How many times has it happened in the last
24 week?

25 **A.** None.

1 **Q.** How many times has it happened in the last
2 month?

3 **A.** Maybe twice.

4 **Q.** How many times has Mr. Adelman been in the shop
5 building while you were running an engine in the
6 past week?

7 **A.** None.

8 **Q.** How many times in the past month?

9 **A.** Once.

10 **Q.** How many -- how many times since -- let's say,
11 June 1st, just, like, during -- during the summer
12 and up till -- up till now, how many times has that
13 happened?

14 **A.** What?

15 **Q.** That Mr. Adelman was in the shop building while
16 you were running an engine.

17 **A.** Since June? I don't know.

18 **Q.** So I just want to make sure I understood
19 something you said earlier. You -- you said that
20 the computer program that works with the -- the
21 engines tells you what the -- what the oil pressure
22 is?

23 **A.** On the majority of them, yes.

24 **Q.** And you said it -- it gives you the mileage?

25 **A.** Yes.

1 **Q.** And the serial number?

2 **A.** Serial number on -- on that program on that
3 computer, yes.

4 **Q.** And it contains the VIN number for the vehicle?

5 **A.** Yes.

6 **Q.** Is there any other information that it
7 contains?

8 **A.** No.

9 **Q.** Do you ever -- you will have to forgive me
10 since I -- I -- I don't really know what terms to --
11 to use, but do you ever -- do you ever open -- open
12 up an engine at all, look at its -- you know, take
13 apart, put back together?

14 **A.** No.

15 **Q.** Have you ever had to look for -- well, strike
16 that.

17 After -- after you're done testing an engine,
18 one -- one way or the other it -- it leaves your --
19 your -- your shop --

20 **A.** Yes.

21 **Q.** -- building?

22 Have you ever had to look for an engine that
23 you had previously tested for any reason?

24 **A.** Be more specific.

25 **Q.** Well, I'll try to rephrase it.

1 I'm just asking -- you know, the -- the engine
2 kind of like moves -- moves out of -- out of your
3 shop building.

4 **A.** Yeah.

5 **Q.** Have you ever needed to find or look at one of
6 those engines after that for any -- for any reason?

7 **A.** The good or the bad ones?

8 **Q.** Let's start with the bad ones.

9 **A.** The bad ones go to the core area and the good
10 ones I put in stock.

11 **Q.** So have you ever -- have you ever had to --
12 to -- to find one of the good ones that you had
13 previously tested for any reason?

14 **A.** Well, yeah.

15 **Q.** What would -- what would be the reason -- some
16 of the reasons?

17 **A.** If it's been on the shelf for a particular
18 amount of time, take it back down, start it, make
19 sure everything is good.

20 **Q.** How would you -- how would you know that it's
21 been sitting on the -- on the shelf for -- for a
22 long time?

23 **A.** Typically they are dated when they're ran.

24 **Q.** What do you mean -- what do you mean "dated"?

25 **A.** Dated. The day that they were started, you

1 mark the date, you know, check it okay, put it in
2 stock.

3 Q. And what are you -- what are you marking
4 exactly?

5 A. I mark on the fan.

6 Q. I'm sorry?

7 A. I mark -- I write on the fan -- fan blade.

8 Q. So you -- you make a note of the -- of the date
9 that you tested it --

10 A. Yes.

11 Q. -- on the fan blade?

12 A. Yes.

13 Q. So -- but how do you -- how do you know --
14 how -- how do you know that that -- an engine has
15 been -- has been sitting on -- on -- on the shelf,
16 though? How do you know it's time to go retest?

17 A. Well, if it gets sold, we rerun it. After --
18 if it sits a period of time, we bring it back down
19 to make sure, you know, nothing is wrong with it
20 still and ship it out, or if a customer comes and
21 wants to hear it in person, then we take it down and
22 start it in front of them.

23 Q. So does -- are -- are you -- are you contacted
24 every time someone -- someone buys a -- an engine?

25 A. Be more specific.

1 **Q.** Do -- do you retest every -- every engine that
2 is sold?

3 **A.** No.

4 **Q.** If -- in those situations where you are going
5 to retest it, how do you -- how do you know that you
6 have to do that?

7 **A.** Well, the salesman either brings the engine
8 back to us or get ahold of us, say, "Hey, you've got
9 to get this motor down, retest it, make sure
10 everything is good and get it to shipping."

11 **Q.** How -- and how would -- how would the
12 salesperson identify the motor if the salesperson
13 said that you have to -- you have to take this motor
14 down and look at it?

15 **A.** Well, it's either -- either one of the two or
16 me.

17 **Q.** But what I'm saying is how -- how -- how would
18 the salesperson tell you which motor it was?

19 **A.** Well, through the serial number, or in some
20 cases with engines that don't have serial numbers,
21 they just put their own mark on there.

22 **Q.** And then once you know the serial number, what
23 do you -- what do you do then?

24 **A.** I go grab it and start it.

25 **Q.** Do you check every -- every engine until you

1 find the -- the engine with the -- with the correct
2 serial number?

3 **A.** Yes.

4 **Q.** How many engines are there typically in -- in
5 inventory?

6 **A.** Hundreds.

7 **Q.** So you physically -- you physically start
8 checking each engine for the -- for the serial
9 number that matches?

10 **A.** Each engine has -- each engine make has its own
11 specific area.

12 **Q.** Okay. But is that -- my question is still are
13 you -- are you physically -- are you physically
14 checking the engines themselves for the -- for the
15 serial numbers?

16 **A.** Are you talking serial on the engine or what
17 was written on the engine?

18 **Q.** Well, let's -- let's take a step back. How
19 many -- how many different buildings are there where
20 the -- the -- the engines that are working, working
21 stock stored, how many different -- how many
22 different buildings are there?

23 **A.** Three.

24 **Q.** And just off the top of your head, about --
25 about how many different makes of -- of engines do

1 you -- do you usually have on hand, approximately?

2 **A.** I don't know.

3 **Q.** I mean, is it more than 20?

4 **A.** No.

5 **Q.** Well, let me ask you this: Generally speaking,
6 what -- what's the make of engine that Adelman's has
7 the greatest -- greatest number of?

8 **A.** That can vary.

9 **Q.** So what are -- what are some of the
10 possibilities? Is it sometimes Caterpillar motors?

11 **A.** It can be. Some -- it has its varieties.

12 **Q.** Well, if -- during those times when Caterpillar
13 was the most common make of -- make of engine that
14 Adelman's has on hand, I mean, how many engines are
15 we talking about, hundreds?

16 **A.** For one specific make you mean?

17 **Q.** Yeah.

18 **A.** Can you specify sizewise?

19 **Q.** Well, let's say Caterpillar C7 motors.

20 **A.** C7s are a hot -- hot engine. They don't stay
21 very long.

22 **Q.** Well, let me ask you this: How many --
23 about -- about how many do you have on hand and, you
24 know, you would consider working stock right now?

25 **A.** Don't know.

1 **Q.** Is it more than a hundred?

2 **A.** No.

3 **Q.** More than 50?

4 **A.** No.

5 **Q.** More than 20?

6 **A.** No.

7 **Q.** More than five?

8 **A.** That I don't know.

9 **Q.** How many have you run in the past month or so?

10 **A.** I don't know.

11 THE VIDEOGRAPHER: May I change the media in
12 the next couple of minutes?

13 **MR. MILLER:** Why don't we just go off
14 the record for now.

15 **THE VIDEOGRAPHER:** We're off the record.

16 (Thereupon, a recess was taken.)

17 **THE VIDEOGRAPHER:** We're back on the record.

18 **BY MR. MILLER:**

19 **Q.** So, Mr. Ives, you said that one of the things
20 that you are looking at when you run an engine is
21 oil pressure?

22 **A.** Yes.

23 **Q.** And you -- you get that from the -- the
24 computer program --

25 **A.** Yes.

1 **Q.** -- at work?

2 And what -- what are you looking for? I mean,
3 what -- what is -- what -- what number is good oil
4 pressure and what number is bad oil pressure?

5 **A.** Again, that varies from engine make, size. It
6 varies.

7 **Q.** Do you have -- have memorized what the -- what
8 the different oil pressures -- ideal oil pressures
9 are or do you have -- do you have to consult
10 something?

11 **A.** No, I know what is considered -- considered
12 good oil pressure.

13 **Q.** I've got to be honest, I'm -- I don't even know
14 what -- what units oil pressure is -- is measured
15 in.

16 **A.** It's measured in PSI.

17 **Q.** "PSI," what does that mean?

18 **A.** Pounds per square inch.

19 **Q.** So what's -- what -- what's -- what's the
20 range? So I -- I understand you just said that
21 good oil pressure is different for each engine, but
22 what -- what's the range if you take into account
23 all the -- all the engines you normally --

24 **A.** Again, it varies.

25 **Q.** Well, what's the --

1 **A.** You would have to be -- to be truthful, you
2 have to be specific on a specific motor.

3 **Q.** Well, I'm just trying to -- to get a general --
4 a -- a general range just so I can -- I know enough
5 to talk about it. So is this -- is this, like,
6 measured in the thousands, is it -- I just don't
7 know.

8 I mean, let -- let -- let -- let me ask you
9 this: Well, what's the -- what's the normal oil
10 pressure for a Caterpillar engine?

11 **A.** Can you be more specific?

12 **Q.** I can, but first let me just ask you a
13 follow-up to that: Are you saying that different
14 Caterpillar engines have different normal oil
15 pressures?

16 **A.** Yes.

17 **Q.** So what's the normal oil pressure for a
18 Caterpillar C7 engine?

19 **A.** About 50-55.

20 **Q.** Fifty, fifty-five?

21 **A.** Yeah.

22 **Q.** So what's the -- what's, like, the acceptable
23 range then, or does it have to be exactly 50-55 or
24 is there -- is there a range?

25 **A.** Can you repeat that?

1 **Q.** Well, if the -- if the computer tells you that
2 the oil pressure of a Caterpillar C7 engine is
3 50-54, does that -- what -- what does that mean?

4 **A.** That means oil pressure is fine on it.

5 **Q.** So what's the lowest -- lowest number that you
6 would consider to be fine?

7 **A.** I would say about 45. Anything lower than that
8 I would start questioning it.

9 **Q.** So I apologize again, but do you mean 50 --
10 50-54?

11 **A.** Between 45 and 55, anything lower than 45
12 I would start questioning it.

13 **Q.** I understand.

14 What's the -- what's the highest number that
15 you would -- you would think would be acceptable?

16 **A.** I mean, I've seen them at, like, 60 -- 60
17 pounds, but that's on a very, very, very low mileage
18 engine. That's pretty much peak right there.
19 Anything even higher than that, which I've never
20 seen, again would be questionable.

21 **Q.** So you're saying that the oil pressure
22 decreases a little bit as the -- the more the engine
23 is used?

24 **A.** As -- as more as it's used, yes.

25 **Q.** So do all Caterpillar C7 engines have that same

1 range of about 4,500 to 6,000?

2 **A.** No.

3 **MR. RAMBACHER:** Objection. I --

4 **BY MR. MILLER:**

5 **Q.** You can answer.

6 **A.** I was going to say it's 45 PSI and 60 PSI.

7 **Q.** Okay. I'm sorry.

8 So is that -- is that the normal range for --
9 for every Caterpillar C7 engine?

10 **A.** Can you be more specific?

11 **Q.** Well, you said -- you said before that anything
12 below 4,500 would concern you --

13 **A.** Yes.

14 **Q.** -- in a Caterpillar C7?

15 And you said that it would be extremely
16 unlikely to see greater than 60 PSI?

17 **A.** Yes.

18 **Q.** So -- and you said that 55 is the -- well,
19 I'm not exactly sure the exact word you used. You
20 said -- you said that -- is that -- is that average
21 55 or --

22 **A.** Fifty, fifty-five, in that range.

23 **Q.** I see, yeah. I apologize.

24 So all those -- all those numbers that we just
25 went through, do those -- do those apply to -- to

1 every Caterpillar C7 engine?

2 **A.** The -- are you talking about normal oil
3 pressure?

4 **Q.** Yeah. So I'm saying -- I'm saying is 50 to
5 55 --

6 **A.** Normal?

7 **Q.** Is that -- is that normal for every Caterpillar
8 C7 engine?

9 **A.** For, like, good one, yes.

10 **Q.** And is 4,500 about the -- the cutoff --

11 **A.** Yes, that's the cutoff.

12 **Q.** For -- for every Caterpillar C7 engine?

13 **A.** Depending on also how it runs.

14 **Q.** Well, what do you mean by that?

15 **A.** Well, if it's no good, it's pointless. I don't
16 worry about it.

17 **Q.** But what do you mean by "no good"?

18 **A.** Like, if it doesn't pass my criteria, I don't
19 put it in stock.

20 **Q.** And what are the -- the -- what's the criteria
21 again?

22 **A.** No blowby, good oil pressure, very little
23 smoke.

24 **Q.** So I guess what I'm asking is if everything --
25 everything else checks out, is 4,500 kind of

1 the -- the low -- the low range of acceptability
2 for -- for every Caterpillar C7?

3 **A.** Yes.

4 **Q.** And 60 is the high end of what you would expect
5 to see in any --

6 **A.** That's like, like I said, low mileage, not used
7 and abused C7.

8 **Q.** What about are there any -- are there any
9 Caterpillar C7 motors that would have higher than 60
10 PSI in new -- new condition?

11 **A.** I don't know.

12 **Q.** Have you ever -- have you ever worked on an
13 engine that -- a Caterpillar C7 engine that had a --
14 had a higher PSI than that?

15 **A.** No.

16 **Q.** And have you ever -- have you ever run an
17 engine that was a return from a customer -- customer
18 bought an engine from Adelman's, returned it and you
19 tested it?

20 **A.** Can you repeat that?

21 **Q.** Have you ever -- have you ever run an engine
22 that you or Matt had tested before and had then been
23 sold to a customer and then returned to Adelman's by
24 the customer?

25 **A.** Yes.

1 Q. When was the last time that happened?

2 A. I can't remember.

3 Q. Was it within the past month?

4 A. No.

5 Q. In the past year?

6 A. No.

7 Q. Can you say about how many times it's happened
8 since you started working at Adelman's?

9 A. Maybe twice.

10 MR. MILLER: That's all the questions
11 I have.

12 Do you have any?

13 MR. RAMBACHER: No. Thank you, though.
14 He will waive.

15 THE VIDEOGRAPHER: He also has to review the
16 videotape or he may waive that right.

17 MR. RAMBACHER: You have the right to
18 review the videotape. You can't change your answers
19 but you can clarify them if it's obscure, or you can
20 waive. I'm fine with you waiving.

21 THE WITNESS: What does that mean?

22 MR. RAMBACHER: That means you're not
23 going to go get a copy of what he videotaped and
24 review it to necessarily see if there's any errors.

25 THE WITNESS: Okay.

1 **THE VIDEOGRAPHER:** So would you like to
2 review or will you waive the review?

3 **MR. MILLER:** It's -- it's up to you.

4 **MR. RAMBACHER:** It's up to you. I
5 suggest you just waive.

6 **MR. ADELMAN:** Yeah.

7 **THE WITNESS:** Okay. Waive.

8 **THE VIDEOGRAPHER:** Thank you. We're off the
9 record.

10 **MR. MILLER:** I'll order at this time,
11 email is good enough.

12 (Thereupon, the Christopher Ives
13 deposition was concluded at 12:24 p.m.)

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1 C E R T I F I C A T E

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3 STATE OF OHIO,)
 4) SS:
 5 SUMMIT COUNTY.)

6

7 I, Carina C, Meszaros, a Registered Merit
 8 Reporter and Notary Public within and for the State
 9 of Ohio, duly commissioned and qualified, do hereby
 10 certify that the within named witness, CHRISTOPHER
 11 IVES, was by me first duly sworn to testify the
 12 truth, the whole truth and nothing but the truth in
 13 the cause aforesaid; that the testimony then given
 14 by him was by me reduced to Stenotypy in the
 15 presence of said witness, afterwards prepared and
 16 produced by means of Computer-Aided Transcription
 17 and that the foregoing is a true and correct
 18 transcription of the testimony so given by him as
 19 aforesaid.

20 I do further certify that this deposition was
 21 taken at the time and place in the foregoing caption
 22 specified, and was completed without adjournment.

23 I do further certify that I am not a relative,
 24 employee of or attorney for any party or counsel, or
 25 otherwise financially interested in this action.

26 I do further certify that I am not, nor is the
 27 court reporting firm with which I am affiliated,
 28 under a contract or defined in Civil Rule 28(D).

29 IN WITNESS WHEREOF, I have hereunto set my hand
 30 and affixed my seal of office at Akron, Ohio,
 31 this 10th day of October, 2018.

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Carina C. Meszaros



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Carina C. Meszaros, Notary Public
 in and for the State of Ohio
 My commission expires March 11, 2019.

- - -

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